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Summary record of the first part (public)* of the 1226th meeting
Held at the Palais Wilson, Geneva, on Thursday, 8 May 2014, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1226/Add.1.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fourth periodic report of Cyprus (CAT/C/CYP/4; CAT/C/CYP/Q/4; HRI/CORE/CYP/2013)

1. *At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.*

2. **Ms. Koursoumba** (Cyprus) said that Cyprus had ratified the Convention against Torture in 1990 and its Optional Protocol in 2009. The Office of the Ombudsman was vested with the competence of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Since submitting its previous report, Cyprus had achieved significant goals in legislation on the prevention of torture, including the adoption of initiatives and policies aimed at guaranteeing the rights of detainees, in accordance with the recommendations of the human rights treaty bodies and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Police Academy had made considerable efforts to improve police training and ensure that the police followed the lines of conduct laid down for the treatment of detainees in such a way as to avoid the use of torture or ill-treatment. There were several mechanisms within the police, including the Police Audit and Inspection Unit, together with the Independent Authority for the Investigation of Allegations and Complaints against the Police, which carried out impartial inquiries, without delay, into cases of police misconduct. Police detention centres were inspected by non-governmental organizations (NGOs) and various other mechanisms. There was also a new detention centre for illegal immigrants, which had been in operation in Menoyia since January 2013.

3. A programme for major reforms and changes in the prison system had recently been launched in order to ensure that prison inmates were treated with full respect for human rights standards. The disciplinary system was also under review. The Government was firmly resolved to follow the recommendations of the National Mechanism for the Prevention of Torture and was working on various joint projects in close cooperation with the Ministry of Justice and other bodies, such as the Cyprus Red Cross. One example was the release of a manual entitled "Guiding principles for the prevention of suicides in prison and detention places" in April 2014. The prison authorities also worked with the representatives of the Working Group for the Prevention of Torture established by the National Mechanism for the Prevention of Torture in 2011.

4. Measures taken to eliminate trafficking in persons in the country included the adoption of the National Action Plan against Trafficking in Human Beings 2013–2015, the abolition of "artist visas" and the training of law enforcement officials. The amendment of the Law on Trafficking, which incorporated into domestic law European Union Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, had come into force in April 2014. Under the Law, offences were explicitly redefined and sentences increased. Moreover, the authorities cooperated with their counterparts abroad and exchanged information on trafficking cases. Special training was provided for immigration officers, police officers, social workers and members of the judiciary in detecting trafficking situations and improving victim identification, support and protection. Awareness-raising for teachers and heads of schools had also been organized. The enactment of the Private Employment Agency Law, should, moreover, make it possible to take action against forced labour. Information leaflets had been distributed in six languages for the benefit of foreign workers.

5. Cyprus had a full range of legislation on migration and had, in November 2011, harmonized its domestic legislation with European Union Council Directive 115/2008/EC of the Council. The Ombudsman, who, since 2012, had been responsible for monitoring and implementing procedures for forced return, had introduced a plan of cooperation for the regulation of a forced return monitoring system in accordance with the Directive. The Aliens Law had also been harmonized with European Union Council Directive 2009/52/EC.

6. Following a number of cases of arrests of minors in an irregular situation, the relevant authorities had decided to make the best interests of the child the primary consideration in such matters. Cyprus had signed a cooperation agreement in 2012 with the International Organization for Migration (IOM), under which IOM would establish an office in Cyprus with a view to improving migration policy and addressing trafficking in persons, while fully observing human rights.

7. **Mr. Modvig** (Country Rapporteur) requested further details on the number of criminal convictions for acts of torture and ill-treatment alleged to have been committed by the police and on the length of the prison sentences handed down. What penalties were applied, for instance, in the case of attempted acts of torture? He also wished to know whether measures had been taken to raise awareness among prison staff about the basic guarantees to which detainees were entitled and whether such guarantees were expressly provided for by law. In particular, it would be useful to know how many people had been subject to restrictions to their right to contact a relation or friend by telephone for security reasons and whether the presence of a lawyer during questioning was required, especially at the time that the witness' statement was signed. He also requested the delegation to say whether persons placed in detention were examined by independent doctors, whether such doctors were trained to recognize the signs of torture, how many cases of ill-treatment had been registered and how many inquiries had been conducted. Was the confidentiality of detainees' medical files respected and how many detainees had been subjected to disciplinary sanctions for abusing the right to medical treatment.

8. He requested the delegation to provide information on the number of asylum seekers or migrants who had received legal aid or interpretation services as part of the asylum procedure. He also wished to know the delegation's opinion on the information contained in the 2008 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the treatment of persons held at Larnaca Airport, who had not been permitted to contact their families or friends. He also wished to know the number of cases where the authorities had used force against asylum seekers or migrants. He asked whether NGOs had access to holding centres for migrants and whether children were kept apart from adults in such centres. It seemed that the processing of requests for asylum was carried out particularly quickly, which made it impossible to track all cases of torture. What exactly was the situation in that respect? He also asked whether doctors who examined asylum seekers were trained to detect the effects — including psychological effects — of torture, in accordance with the Istanbul Protocol, and how many asylum seekers whose applications had been denied had appealed against that decision and obtained asylum.

9. The delegation should tell the Committee what specific measures had been taken to remedy prison overcrowding, whether the State party envisaged restricting the use of pretrial detention, whether action taken to bring down the number of suicides in Nicosia Central Prison had achieved any results and whether it was correct that management of the prison was to be transferred to a private enterprise. He also wished to know whether the use of solitary confinement was still widespread. Meanwhile, he wondered what reintegration services were offered to victims of domestic violence or victims of trafficking, particularly those who had been tortured. In that regard, he asked how many convictions had been handed down in trafficking cases and whether victims had been able to obtain redress.

10. **Mr. Domah** (Country Rapporteur) requested further information on the training in the prevention of torture given to police officers, medical staff and officials and on the number of complaints of ill-treatment received by the prison authorities. He asked whether the authorities kept under systematic review interrogation rules, instructions, methods and practices in accordance with article 11 of the Convention and whether police officers were properly trained in interrogation techniques that respected human rights. He would also be grateful for information on the cases of the relatives of several Turkish Cypriot detainees who had been refused entry to Cyprus from Turkey.

11. He asked whether the discussion mentioned in paragraph 110 of the report had led to any amendments to the Prison Regulations and the Psychiatric Treatment Law. He requested the delegation to describe steps taken to address the situation of detainees with mental disorders, and to indicate whether all law enforcement officials were obliged to notify the competent authorities immediately whenever they received reports of acts of torture and ill-treatment, and whether the Independent Authority for the Investigation of Allegations and Complaints against the Police had already investigated complaints of torture filed against law enforcement officers. While welcoming the statistics on cases of torture involving members of the police force provided in paragraph 118 of the report, he sought clarification on the amount of compensation actually granted to victims, and on the nature of the penalties imposed on perpetrators. He also wished to know the nature of the penalties handed down in the two cases mentioned in paragraph 128 of the report.

12. The delegation should indicate whether members of the judiciary received training to enable them to determine whether statements had been obtained under torture. It should also describe the follow-up given to the case referred to in paragraph 25 of the list of issues prior to reporting. According to some reports, Turkish Cypriots did not receive the same treatment as Greek Cypriots and had been denied certain rights, including the right to freedom of movement. Moreover, it would appear that some Greek Cypriots had admitted publicly to having committed or been complicit in acts that violated the Convention, and yet, to date, no action had been taken against those persons, which called for a response from the delegation.

13. **Ms. Belmir** observed that, according to some sources, immigration officers had discretionary power to issue arrest warrants, remand people in custody and withdraw residence permits. She wished to know whether that power was granted to them by law, and whether the decisions made by immigration bodies were subject to judicial review. It would also be useful to know whether migrants in an irregular situation could appeal a deportation order, and whether such appeals had suspensive effect.

14. Noting that, according to some sources, unaccompanied minors were being held in detention centres for extended periods without their cases being examined, she wished to know whether the juvenile justice system verified the legality of such measures. Lastly, she asked whether immigration and law enforcement officials had already been prosecuted for failing to comply with the provisions of the Convention, and requested the delegation to indicate how the concept of minority was defined in the State party.

15. **Mr. Gaye** wished to know whether NGOs had been involved in drafting the report, and enquired about measures taken by the State party to guarantee the independence of investigation mechanisms, particularly the Independent Authority for the Investigation of Allegations and Complaints against the Police. He invited the delegation to explain why article 25 of the Criminal Code punished complicity in an offence not only before and during its commission but afterwards, too (report, para. 10), and to cite examples of cases in which that provision had been applied.

16. **Ms. Gaer**, noting from paragraph 61 of the report prepared by the Special Rapporteur on freedom of religion or belief on his mission to Cyprus (A/HRC/22/51/Add.1)

that Iranian asylum seekers belonging to the Bahá'í religious community had been sent back to their country of origin despite a serious risk of persecution, asked how many people had been affected by those deportations, and on what grounds the Cypriot authorities had made their decision. The delegation should explain the choice of categories used in paragraph 38 (a) of the report to disaggregate statistics on domestic violence, and describe how psychological torture was defined in the State party.

17. Given that many Cypriots had been subjected to ill-treatment, or even torture, at the time of the conflict, before taking refuge in the south of the country, it would be useful to know whether the State party had provided full redress to those persons, as set out in the Committee's general comment No. 3 concerning the implementation of article 14 of the Convention.

18. **Mr. Zhang** Kening wished to know more about the functioning of the Independent Authority for the Investigation of Allegations and Complaints against the Police, and asked what mechanisms were in place to guarantee that the body made decisions objectively when determining whether matters fell within the jurisdiction of criminal or administrative courts.

19. **Mr. Tugushi** observed that, according to some sources, the right of all suspects to contact a lawyer immediately was often not respected in practice, as persons who did not have the resources to secure legal representation had to wait for a court to assign them a legal aid lawyer. It would thus be useful to know whether the State party intended to take steps to eliminate that waiting period in order for all suspects to receive legal assistance from the outset of their detention.

20. The delegation should indicate whether there were plans to increase the Ombudsman's budget to allow it to perform its role as the national preventive mechanism to the full. It should report on the outcome of the implementation of the 18 measures to improve prison conditions announced by the Minister of Justice and Public Order at the start of 2014, particularly those aimed at preventing suicides in custody. The delegation should also indicate how many minors were arrested and detained by the police in 2013, and specify whether initiatives had been undertaken to ensure that unaccompanied minors were not separated from their parents in detention centres, and to reduce the length of detention for migrants awaiting deportation.

21. **The Chairperson** asked whether Cyprus had already conducted extraordinary renditions and requested diplomatic assurances from another State, whether it was still a criminal offence to enter the national territory illegally, whether domestic legislation explicitly listed discrimination among the possible motives behind torture, and whether the Convention could be directly invoked in court. He requested the delegation to cite cases in which the provisions of the 2005 Act on the Rights of Persons who are Arrested and Detained, which allowed for a 12-hour suspension of the right to contact a lawyer, had been applied. He also invited the delegation to cite cases in which a rapist had married the victim, and to specify whether marital rape was subject to criminal prosecution, and whether criminal proceedings could be instituted even when the victim had not pressed charges. Lastly, he requested the delegation to provide statistics on the prison population, disaggregated by nationality or ethnicity, and to indicate whether campaigns had been run to raise awareness of discrimination in the criminal justice system.

22. **Mr. Modvig** (Country Rapporteur) requested the delegation to comment on reports indicating that, during medical examinations, detained migrants and asylum seekers were handcuffed systematically throughout the medical consultation, which always took place in the presence of a law enforcement officer.

23. **Mr. Domah** (Country Rapporteur) wished to know what criteria were used in decisions regarding the assignment of a legal aid lawyer, and whether migrants and asylum seekers were entitled to legal aid.

24. **Ms. Belmir**, noting that the exploitation of migrant women who moved to Cyprus in the hope of working as artists or domestic workers remained a widespread problem, asked whether border officials were trained to detect and prevent people smuggling and human trafficking.

25. **The Chairperson** invited the delegation to comment on reports that anti-racism demonstrators had been assaulted by far-right activists in Larnaca in November 2010.

26. **Mr. Tugushi** requested information on the construction status and scheduled opening date of the prison medical centre. He also wished to know which institution was responsible for investigating prison suicide cases.

The first part (public) of the meeting rose at noon.